REMARKS

The Examiner is thanked for the performance of a thorough search and for consideration of the Information Disclosure Statement submitted on November 24, 2003. Claims 1, 4, 8, 11, 15, and 18 have been amended. No claims have been canceled, added, or withdrawn. No new matter has been added. Therefore, Claims 1-22 are pending in the application.

Each issued raised in the Office Action is addressed hereinafter.

I.   CLAIM OBJECTIONS

Claims 4, 11, and 18 are objected to. Specifically, the Office Action contends that "AAA" needs to be spelled out in Claims 4 and 11 and that "Change of Filters" in Claim 18 should read "Change of Authorization". Applicant respectfully submits that the claims as amended herein address the objections. Withdrawal of objections is respectfully requested.

II.   CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1, 2, 8, and 9 stand rejected as allegedly unpatentable over U.S. Patent No. 6,563,793 ("*Golden*") in view of U.S. Patent No. 6,910,074 ("*Amin*").

Claims 3-7 and 15-22 stand rejected as allegedly unpatentable over *Golden* in view of *Amin* and further in view of U.S. Publication No. 2003/0214958 ("*Mardour*").

The rejections are respectfully traversed.

A.   CLAIM 1 IS PATENTABLE OVER THE CITED ART

Claim 1 presently recites:

> A method for managing a communications session with a device, the method comprising the computer-implemented steps of:
> establishing, with the device, a communications session that supports a first quality of service level;
> receiving, at an application server, a request, associated with the device, for a service provided by the application server;
> **determining, at the application server, based upon the request for the service and policy criteria, a second quality of service level to be supported by the communications session for the device**; and

> modifying the communications session by causing a layer-2 change in a
> communications link used for the communications session, so that the
> communications session for the device supports the second quality of
> service level instead of the first quality of service level.

One aspect of the invention as claimed in Claim 1 is that the application server

determines the second quality of service (QoS) level. One advantage of this aspect is that policy

criteria for determining the second QoS level may be centralized. This advantage is not present

in *Amin* in which the device determines the second QoS level by specifying parameters of the

service level in a QoS change request. Thus, in *Amin*, criteria for determining the second QoS

level must be present at the device and therefore cannot be centralized at an application server.

In *Amin*, a Mobile Host requests a QoS modification by sending a QoS Change Request

Message to a Radio Access Network (RAN). *Amin*, col. 24, lines 31-33. The Change Request

message specifies the QoS level desired by the Mobile Host. In response to receiving the QoS

Change Request, the RAN may consult a Policy Manager to determine whether the change

request should be allowed. However, the policy decision made by the RAN/Policy Manager

does not involve determining a QoS level. Rather, it is the Mobile Host that determines the QoS

level. The RAN/Policy Manger merely authorizes the QoS level determined by the Mobile Host

and specified in a QoS Change Request message from the Mobile Host. *See Amin*, col. 24, lines

28-30 (stating "If the request is allowed, the RAN adjusts the current resource allocation to what

was requested.") Thus, in *Amin*, while policy criteria for authorizing a QoS change request may

be centralized, criteria for determining a QoS level may not be centralized because the QoS level

is determined by each Mobile Host that accesses the RAN.

The Office Action contends that the following limitation of Claim 1 is shown in *Amin* at

col. 24, lines 19-20:

> **determining, at the application server, based upon the request for the service and
> policy criteria, a second quality of service level to be supported by the
> communications session for the device;**

The cited portion of *Amin* states, in its entirety:

At any point during a service session, an IP-enabled Mobile Host (MH) can request a
Quality of Service (QoS) modification. *Amin*, col. 24, lines 19-20.

Thus, in *Amin*, the Mobile Host determines the QoS level. While in Claim 1 the

determination is made at the application server. Further, as discussed above, the RAN and/or the

Policy Manager, assuming one skilled in the art would reasonably consider them to be an

application server, does not determine "a second quality of service level". Rather, the RAN

adjusts the current resource allocation to achieve the QoS requested by the Mobile Host and

authorized by the Policy Manager. Thus, *Amin* does not teach or suggest "determining, at the

application server, based upon the request for the service and policy criteria, a second quality of

service level to be supported by the communications session for the device".

Golden does not overcome the deficiencies of *Amin*. The features missing from *Amin* are

also lacking in *Golden*. In fact, the Office Action does not rely on *Golden* to teach "determining,

at the application server,…a second quality of service level…". Thus, Claim 1 is patentable over

the combination of *Golden* and *Amin*.

B.   INDEPENDENT CLAIMS 8 AND 15 ARE PATENTABLE OVER THE CITED
       ART

Independent Claims 8 and 15 recite features similar to those quoted for Claim 1 in

Section A above, such as "determining, at the application server, based upon the request for the

service and policy criteria, a second quality of service level to be supported by the

communications session for the device". As discussed above, at least one of those features is not

found in the combination of *Golden* and *Amin*. Therefore, Claims 8 and 15 are allowable for at

least the same reasons that Claim 1 is patentable. Reconsideration is respectfully requested.

C.   REMAINING CLAIMS

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each dependant claim includes the features of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional features that independently render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

III.   CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

Date: February 11, 2008   /AdamCStone#60531/
                                    Adam Christopher Stone
                                    Reg. No. 60,531

2055 Gateway Place, Suite 550
San Jose, California 95110-1083
Telephone No.: (408) 414-1231
Facsimile No.: (408) 414-1076